

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
RENTON, WASHINGTON 98055-4056

In the matter of the petition of

TRANS WORLD AIRLINES, INC.

Regulatory Docket No. 26676

for an exemption from § 121.316
of the Federal Aviation Regulations

GRANT OF EXEMPTION

By letter dated October 14, 1991, Mr. L. F. Brett, Director FAA/ATA Liaison and Quality Assurance, Trans World Airlines, Inc., petitioned for exemption from § 121.316 of the Federal Aviation Regulations (FAR) to permit operation of certain Boeing 747 series airplanes until January 9, 1992, with fuel tank access covers that do not comply with the penetration resistance and fire resistance standards of § 25.963(e). The extension of compliance time afforded by this exemption would be consistent with the compliance time established through separate rulemaking under Airworthiness Directive (AD) 89-12-10.

Sections of the FAR affected:

Part 121 prescribes rules governing operations by air carriers, air travel clubs and certain operators for compensation and hire.

Section 121.316, as amended by Amendment 121-208, specifies that each turbine-powered transport category airplane operated after October 30, 1991, including Boeing 747 series airplanes, must meet the requirements of § 25.963(e) as amended by Amendment 25-69.

Related sections of the FAR:

Part 25 prescribes airworthiness standards for the issue of type certificates, and changes to those certificates, for transport category airplanes. Because their type certificates may have been issued earlier, transport category airplanes in service are not necessarily required to comply with the current standards of Part 25 for type certification. There are situations, however, in which certain standards of Part 25 are incorporated by reference in Part 121 (e.g. § 25.963(e)); and compliance with those standards is thereby required for operation under Part 121 regardless of whether compliance is required for type certification of those airplanes.

Section 25.963(e), as amended by Amendment 25-69, specifies that all fuel tank access covers must be shown by analysis or tests to minimize penetration and deformation by tire fragments, low energy engine debris, or other likely debris, if they are located in an area where a strike by these objects is likely, and must be fire resistant. The purpose of these access cover standards is to avoid the loss of hazardous quantities of fuel.

Part 39 prescribes AD's that apply to products, including aircraft, when an unsafe condition exists in the product and that condition is likely to exist or develop in other products of the same type design.

Section 39.13, as amended by Amendment 39-6230, Airworthiness Directive 89-12-10, specifies, in part, that certain lower wing surface fuel tank access covers on Boeing 747 series airplanes must be replaced with impact and fire resistant doors before January 9, 1992. (Although the AD refers to them as "doors," these are the "covers" referred to in § 121.316.) The purpose of this AD, like that of § 121.316, is to avoid the loss of hazardous quantities of fuel. Unlike § 121.316, which applies to all turbine-powered transport category airplanes, AD 89-12-10 applies specifically to Boeing 747 series airplanes.

The petitioner's supportive information is as follows:

"Trans World Airlines seeks an exemption to the extent necessary to permit Airworthiness Directive 89-12-10 to control the compliance time replacement for fourteen lower wing surface fuel tank access doors on Boeing 747-100, 747-200, 747-300 and 747-SP series airplanes.

"Paragraph B of the AD states that within thirty months from the effective date, which was July 8, 1989, specific numbered fuel tank access doors are required to be replaced. We request the Federal Register publication be waived, on the fact that good cause exists to correct an oversight in not taking into account the AD time frame when FAR 121.316 became final, Docket No. 25614, 54 FR 40354, September 29, 1989.

"TWA believes it is in the public's best interest to grant this petition for continued operation of Boeing 747 aircraft. The AD deadline date of January 9, 1992, instead of October 30, 1991, would cause no degradation in safety or airworthiness."

The FAA finds, for good cause, that action on this petition should not be delayed by publication and comment procedures for the following reasons: (1) a grant of exemption would not set a precedent in that this matter involves unique

circumstances; (2) the delay in acting on the petition would consume most, if not all, of the 80-day period for which relief is requested, making a grant of exemption moot; and (3) the petitioner's non-complying Boeing 747 series airplanes would have to be removed from air-carrier service for at least part of that 80-day period.

The FAA's analysis/summary is as follows:

The FAA has carefully reviewed the petitioner's arguments and has determined that there is sufficient merit to warrant a grant of exemption. As noted by the petitioner, AD 89-12-10, Part B, requires replacement of the access covers before January 9, 1992. This date was established as a result of careful consideration of the safety hazard involved, availability of replacement covers for Boeing 747 airplanes and the time needed to install the replacement covers on the affected airplanes. The compliance date of October 30, 1991, as specified in § 121.316, was based on consideration of the US air carrier fleet in general. Since January 9, 1992, has been established as an acceptable compliance date through the AD action, the FAA concurs that it is unnecessary for the petitioner to replace the access covers earlier in order to comply with § 121.316.

In consideration of the foregoing, I find that a grant of exemption is in the public interest, and will allow operation of the Boeing 747 airplanes for a limited period without an adverse impact on safety. Therefore, pursuant to the authority contained in §§ 313(a) and 601(c) of the Federal Aviation Act of 1958, delegated to me by the Administrator (14 CFR 11.53), the petition of Trans World Airlines, Inc., to exempt them from compliance with § 121.316 of the FAR is granted, with the following provisions:

1. This exemption is applicable only to Boeing 747 series operated by the petitioner under the provisions of Part 121.
2. This exemption is limited to the access covers (doors) specified in Paragraph B of AD 89-12-10. No relief is granted with respect to the access covers (doors) specified in Paragraph A of this AD.
3. This exemption expires January 9, 1992. The petitioner's Boeing 747 series airplanes must have fuel tank access covers that comply with the penetration and fire resistance standards of § 25.963(e) in order to be eligible for operation under the provisions of Part 121 on or after that date.

Issued in Renton, Washington, on

Darrell M. Pederson,

Assistant Manager,
Transport Airplane Directorate
Aircraft Certification Service

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